

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0740

WILCOX v. BNSF

Appellate Case Information

Case Filed: 6-Nov-2015
Case Closed:

Dept/Composition

Side 1. TINA M. WILCOX, individually and as Personal Representative of the heirs of Michael Wilcox, Deceased, Plaintiff/Appellee
(Litigant Group) TINA M WILCOX

• Tina M Wilcox

Attorneys for: Plaintiff/Appellee

Taylor C Young, Esq. (AZ Bar No. 20743)
Jason J Romero, Esq. (AZ Bar No. 23429)
Don A St John, Esq. (AZ Bar No. 24556)
Anthony S Petru, Esq. (CA Bar No. AnthonyPetru)
Kristoffer S Mayfield, Esq. (CA Bar No. KristofferMayfield)

Side 2. BNSF RAILWAY COMPANY, a corporation, Defendant/Appellant
(Litigant Group) BNSF RAILWAY COMPANY

• BNSF Railway Company

Attorneys for: Defendant/Appellant

William L Thorpe, Esq. (AZ Bar No. 5641)
Bradley Shwer, Esq. (AZ Bar No. 22696)
Kristin Paiva, Esq. (AZ Bar No. 26338)

CASE STATUS

Aug 9, 2016.....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2011-000477	Wrongful Death		Randall H Warner, Authoring Judge of Order		

64 PROCEEDING ENTRIES

1.	6-Nov-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 10/09/15			
2.	6-Nov-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time			
3.	10-Nov-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due			
4.	13-Nov-2015	FILED: Notice of Payment of Appellant BNSF Railway Company's Filing Fee; Certificate of Service of Notice of Payment of Appellant BNSF Railway Company's Filing Fee			
5.	16-Nov-2015	FILED: Appellant's Notice of Filing and Serving Transcripts; Certificate of Service of Appellant's Notice of Filing and Serving Transcripts (Appellant)			
6.	16-Nov-2015	FILED: Reporter's Transcript – 07/30/2012 - Status Conference (Kimberly C McCright) (Appellant)			
7.	16-Nov-2015	FILED: Reporter's Transcript – 09/14/2012 - Oral Argument (Christine M Coaly) (Appellant)			
8.	16-Nov-2015	FILED: Reporter's Transcript – 10/17/2013 - Status Conference (Kimberly C McCright) (Appellant)			
9.	16-Nov-2015	FILED: Reporter's Transcript – 05/12/2015 - Trial (Karen Bolton) (Appellant)			
10.	16-Nov-2015	FILED: Reporter's Transcript – 01/15/2014 - Status Conference (Kimberly C McCright) (Appellant)			
11.	16-Nov-2015	FILED: Reporter's Transcript – 12/02/2014 - Oral Argument (Kimberly C McCright) (Appellant)			
12.	16-Nov-2015	FILED: Reporter's Transcript – 12/23/2014 - Oral Argument (Crystal Hereford) (Appellant)			
13.	16-Nov-2015	FILED: Reporter's Transcript – 07/21/2014 - Jury Trial Set (Kimberly C McCright) (Appellant)			
14.	16-Nov-2015	FILED: Reporter's Transcript – 04/03/2015 - (Tara L Krammer) (Appellant)			

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15.	16-Nov-2015	FILED: Reporter's Transcript – 04/20/2015 - (Luz Franco) (Appellant)
16.	16-Nov-2015	FILED: Reporter's Transcript – 04/21/2015 - (Luz Franco) (Appellant)
17.	16-Nov-2015	FILED: Reporter's Transcript – 04/21/2015 - Trial - Afternoon Session (Karen Bolton) (Appellant)
18.	16-Nov-2015	FILED: Reporter's Transcript – 05/05/2015 - (Luz Franco) (Appellant)
19.	16-Nov-2015	FILED: Reporter's Transcript – 05/05/2015 - Trial (Karen Bolton) (Appellant)
20.	16-Nov-2015	FILED: Reporter's Transcript – 05/06/2015 - (Luz Franco) (Appellant)
21.	16-Nov-2015	FILED: Reporter's Transcript – 05/06/2015 - Trial (Karen Bolton) (Appellant)
22.	16-Nov-2015	FILED: Reporter's Transcript – 04/28/2015 - Trial (Karen Bolton) (Appellant)
23.	16-Nov-2015	FILED: Reporter's Transcript – 04/28/2015 - (Luz Franco) (Appellant)
24.	16-Nov-2015	FILED: Reporter's Transcript – 04/29/2015 - Trial (Karen Bolton) (Appellant)
25.	16-Nov-2015	FILED: Reporter's Transcript – 04/29/2015 - (Luz Franco) (Appellant)
26.	16-Nov-2015	FILED: Reporter's Transcript - 04/30/2015 - Trial (Karen Bolton) (Appellant)
27.	16-Nov-2015	FILED: Reporter's Transcript - 04/30/2015 (Luz Franco) (Appellant)
28.	16-Nov-2015	FILED: Reporter's Transcript - 05/04/2015 (Luz Franco) (Appellant)
29.	16-Nov-2015	FILED: Reporter's Transcript - 05/04/2015 - Trial (Karen Bolton) (Appellant)
30.	16-Nov-2015	FILED: Reporter's Transcript - 04/22/2015 (Luz Franco) (Appellant)
31.	16-Nov-2015	FILED: Reporter's Transcript - 04/22/2015 (Karen Bolton) (Appellant)
32.	16-Nov-2015	FILED: Reporter's Transcript - 04/23/2015 (Luz Franco) (Appellant)
33.	16-Nov-2015	FILED: Reporter's Transcript - 04/23/2015 - Trial (Karen Bolton) (Appellant)
34.	16-Nov-2015	FILED: Reporter's Transcript - 05/07/2015 (Luz Franco) (Appellant)
35.	16-Nov-2015	FILED: Reporter's Transcript - 05/07/2015 - Trial Motions and Settling Jury Instructions (Karen Bolton) (Appellant)
36.	16-Nov-2015	FILED: Reporter's Transcript - 05/08/2015 - Trial Settling Jury Instructions (Karen Bolton) (Appellant)
37.	16-Nov-2015	FILED: Reporter's Transcript - 05/11/2015 - Trial (Karen Bolton) (Appellant)
38.	18-Nov-2015	RECEIPT No.: 2015-01614 ; \$280.00, Authorization: #21016858430, Applied to: BNSF RAILWAY COMPANY - Appellant's Filing Fee (\$280.00) Paid for: Thorpe Shwer PC - By Integrated Resource Systems IN
39.	30-Nov-2015	FILED: Appellant's Case Management Report
40.	30-Nov-2015	FILED: Certificate of Service of Appellant's Case Management Report
41.	7-Dec-2015	FILED: Stipulated Motion to Stay Appeal Pending Revest in Trial Court for Entry of Judgment Containing Rule 54(c) Certification; Certificate of Service (Appellee)
42.	8-Dec-2015	ORDERED: Stipulated Motion to Stay Appeal Pending Revest in Trial Court for Entry of Judgment Containing Rule 54(c) Certification (Appellee) = GRANTED in part and staying this appeal to/including 1/25/16 and revesting jurisdiction in Maricopa Superior Court to consider application by appellant for a signed judgment with certification of finality pursuant to Rule 54(c). FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed judgment within 10 days after its entry. Appeal will be automatically reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellant shall file a request to continue stay of appeal or appeal may be dismissed. FURTHER ORDERED: If a signed judgment has been filed, opening brief shall be due on 2/24/16. Melina Brill ProTem Judge - Author
43.	10-Dec-2015	RECEIPT No.: 2015-01701 ; \$140.00, Authorization: 43022263213, Applied to: TINA M WILCOX - Class B Filing Fee (\$140.00) Paid for: Mandel Young PLC - By Integrated Resource Systems IN
44.	15-Dec-2015	RECEIPT No.: 2015-01719 ; \$280.00, Authorization: #21016858430, Applied to: BNSF RAILWAY COMPANY - Class A Filing Fee (\$280.00) Paid for: Thorpe Shwer PC - By Integrated Resource Systems IN (Memo: ref # 2015-01614)

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| 45. | 15-Dec-2015 | VOID RECEIPT No.: 2015-01614 - \$-280.00, Authorization: #21016858430, - Applied to: BNSF RAILWAY COMPANY - Appellant's Filing Fee (\$-280.00) Paid for: Thorpe Shwer PC - By: Integrated Resource Systems IN VOID Reason: x-ref 2015-01719 incorrect receivable used. alc |
| 46. | 7-Jan-2016 | FILED: Notice of Filing Copy of Signed Judgment with A Certification of Finality; Certificate of Service (Appellant) |
| 47. | 11-Jan-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Judgment Signed dated 1/4/16, filed 1/6/16; Amended Notice of Appeal filed 1/7/16) |
| 48. | 24-Feb-2016 | FILED: Opening Brief and Appendix of Defendant/Appellant BNSF Railway Company; Certificate of Compliance to Opening Brief of Defendant/Appellant BNSF Railway Company; Certificate of Service of Opening Brief and Appendix Thereto |
| 49. | 8-Apr-2016 | FILED: Procedural Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee) |
| 50. | 11-Apr-2016 | ORDERED: Procedural Motion for Extension of Time to File Answering Brief; (Appellee) = GRANTED. Due date EXTENDED from Monday, 04-11-2016 to Wednesday, 05-11-2016. Barbara Vidal Vaught ProTem Judge - Author |
| 51. | 10-May-2016 | FILED: Procedural Motion for Extension of Time to File Answering Brief (Second Request); Certificate of Service (Appellee) |
| 52. | 11-May-2016 | ORDERED: Procedural Motion for Extension of Time to File Answering Brief (Second Request) (Appellee) = GRANTED. Due date EXTENDED from Wednesday, 05-11-2016 to Friday, 06-10-2016. Melina Brill ProTem Judge - Author |
| 53. | 10-Jun-2016 | FILED: Procedural Motion for Extension of Time to File Answering Brief (Third Request); Certificate of Service (Appellee) |
| 54. | 13-Jun-2016 | ORDERED: Motion for Extension of Time to File Answering Brief (Third Request) (Appellee) = GRANTED. Due date EXTENDED from Friday, 06-10-2016 to Friday, 06-24-2016. If answering brief is not filed on 06/24/2016, appeal will be submitted for decision on record and opening brief. Melina Brill ProTem Judge - Author |
| 55. | 17-Jun-2016 | FILED: Notice of Change of Law Firm Address and Phone Numbers; Certificate of Service (Appellee) |
| 56. | 24-Jun-2016 | FILED: Answering Brief; Certificate of Compliance; Certificate of Service (Appellee) |
| 57. | 15-Jul-2016 | FILED: Motion for Prodcedural Order to Extend the Time to File Reply Brief; Certificate of Service (Appellant) |
| 58. | 18-Jul-2016 | ORDERED: Motion for Procedural Order to Extend the Time to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Tuesday, 07-19-2016 to Tuesday, 08-09-2016. Melina Brill ProTem Judge - Author |
| 59. | 9-Aug-2016 | FILED: Reply in Support of Opening Brief of Defendant/Appellant BNSF Railway Company; Certificate of Compliance to Reply in Support of Opening Brief of Defendant/Appellant BNSF Railway Company; Certificate of Service |
| 60. | 23-Aug-2016 | FILED: Request for Oral Argument; Certificate of Service (Appellee) |
| 61. | 23-Aug-2016 | FILED: Request for Oral Argument; Certificate of Service (Appellant) |
| 62. | 1-Sep-2016 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 63. | 8-Sep-2016 | ORDERED: granting requests for oral argument. Oral argument will be scheduled in the normal course of the court's civil appeal calendar, and the court will notify counsel of the date. Hon Michael J Brown - Author |
| 64. | 12-Sep-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record |